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**From:** Matley, Ted (FTA)  
**To:** Bausch, Carl (FTA); Ossi, Joseph (FTA); Barr, James (FTA); Sukys, Raymond (FTA)  
**Sent:** 9/10/2009 12:26:01 PM  
**Subject:** RE: Honolulu Rail Project

Jim Ray and I had a good conversation with Blythe at ACHP. I think ACHP will be satisfied with that same level of participation in Tomorrows call from FTA. We're all hoping to make good progress tomorrow, but not perhaps to make it the last meeting as Honolulu is hoping. We also spoke to the City so we're all geared up to go.

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**From:** Bausch, Carl (FTA)  
**Sent:** Thursday, September 10, 2009 3:20 PM  
**To:** Matley, Ted (FTA); Ossi, Joseph (FTA); Barr, James (FTA); Sukys, Raymond (FTA)  
**Subject:** RE: Honolulu Rail Project

Joe and I were out of pocket all day today and we're out of pocket tomorrow morning, Ted. Has tomorrow afternoon's call to Hawaii been postponed in light of this development?

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**From:** Matley, Ted (FTA)  
**Sent:** Thu 9/10/2009 9:56 AM  
**To:** Ossi, Joseph (FTA); Barr, James (FTA); Bausch, Carl (FTA); Sukys, Raymond (FTA)  
**Subject:** FW: Honolulu Rail Project

Gentlemen, are you available today to talk to ACHP on Honolulu sometime after 1 PM eastern time?

These are the issues Honolulu was looking for FTA and ACHP to give them guidance on.

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From Faith :  
*As I stated in my email to Blythe, our topics of concern are as follows:*

*Cumulative effects - Definition under Section 106; ACHP Guidance Document by Carol Legard on "Consideration of Indirect and Cumulative Effects in the Section 106 Process" defines "Cumulative Impacts" differently from how it is being applied in the ongoing Honolulu consultation process. ACHP guidance document defines cumulative impact as the result of the incremental impact of the action added to other past, present and reasonably foreseeable future actions on an individual resource.*

*Effects determination - Section 106 sets forth a linear process to arrive at the MOA/PA. We have gone through the process of determining the area of potential effects and identified the adverse effects of the project on historic properties. The adverse effect findings shall then form the basis for determining the appropriate mitigation. In our case, we agreed to accept the adverse effect determination for 11 additional resources that the SHPO wanted to further consult on. However, the SHPO has yet to specify the reasons for the adverse effect determinations.*

*Mitigation - The MOA/PA records terms and conditions to "resolve adverse effects of an undertaking upon historic properties". My understanding is that the MOA/PA should be limited to resolving the adverse effects that have been concurred to by the SHPO. Some of the stipulations being suggested by the consulting parties are beyond these limitations.*

*We are looking to the ACHP and FTA to inform/educate the consulting parties if the discussions are going beyond the requirements of the Section 106 process.*

Also note that Faith states they hope to wrap this up in one more meeting (Friday) I expressed that this was likely premature to believe they can do this unless there are some major breakthroughs. Again, their schedule tends to make them push things.

*It was our intent that Friday's meeting would be the final meeting with all of the consulting parties. Our goal was to get all of the input on the open issues and then provide the signatories with the result of this input in the form of a draft of the final PA.*

*Also, I did get a voicemail message from John Muraoka of the U.S. Navy regarding the invitation to be a signatory. He indicated that they were not planning to respond to the letter. In other projects where they were invited to be a signatory, they were just sent the PA and then at that time, chose to sign or not sign. I will follow up with him on this, because we may have to make some revisions to the WHEREAS clauses, if we do not get a response letter from them.*

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**From:** Blythe Semmer [mailto:bsemmer@achp.gov]  
**Sent:** Thu 9/10/2009 5:34 AM  
**To:** Matley, Ted (FTA)  
**Cc:** Charlene Vaughn  
**Subject:** RE: Honolulu Rail Project

Ted:

Thanks for clarifying—that helps me understand where the federal agency stands. What is your schedule after 1:00 today Eastern/10:00 Pacific?

Best,  
Blythe

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**From:** Ted.Matley@dot.gov [mailto:Ted.Matley@dot.gov]  
**Sent:** Wednesday, September 09, 2009 7:13 PM  
**To:** Blythe Semmer  
**Cc:** Charlene Vaughn  
**Subject:** RE: Honolulu Rail Project

Blythe,

FTA intended to be involved in this discussion, we just asked Faith to set up the meeting time as we, like you, are juggling a lot of projects this time of year. We're sorry if it wasn't clear that FTA will be involved.

However, after discussing it further internally, we decided it would be good for FTA to talk first with ACHP. We'd also like to discuss your position on the signatories with ACHP.

Please let me know your availability.

Thanks,

Ted Matley

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**From:** Blythe Semmer [mailto:bsemmer@achp.gov]  
**Sent:** Wednesday, September 09, 2009 8:26 AM  
**To:** Miyamoto, Faith; Matley, Ted (FTA)  
**Cc:** Charlene Vaughn  
**Subject:** RE: Honolulu Rail Project

Faith:

I apologize for the delay in responding—I was heavily committed to another project yesterday. While we would be willing to participate in a call to address questions or concerns about indirect and cumulative effects for this undertaking, it should be led by FTA, since the agency's approach to addressing these effects in transit project planning would be the basis for any discussion. Should FTA staff believe that there are outstanding issues needing



ACHP involvement, I'll try to find a time late today or tomorrow. I will wait to hear from FTA on this.

Thanks

**Blythe Semmer**

Advisory Council on Historic Preservation  
202.606.8552

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**From:** Miyamoto, Faith [mailto:fmiyamoto@honolulu.gov]

**Sent:** Tuesday, September 08, 2009 5:03 PM

**To:** Blythe Semmer

**Cc:** miyamotos@hawaiiantel.net; Ted.Matley@dot.gov; Spurgeon, Lawrence; Foell, Stephanie; Judy Aranda; Hogan, Steven

**Subject:** FW: Honolulu Rail Project

Hi Blythe –

Resending the following email message. Any chance we can talk tomorrow? Or Thursday?

Thanks for your help in this matter.

Faith

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**From:** Miyamoto, Faith

**Sent:** Friday, September 04, 2009 9:49 AM

**To:** 'bsemmer@achp.gov'; 'Ted.Matley@dot.gov'

**Cc:** 'Spurgeon, Lawrence'; Foell, Stephanie; Hogan, Steven; Judy Aranda

**Subject:** Honolulu Rail Project

Hi Blythe –

We would like to get some clarification regarding cumulative effects, the effects determination and mitigation (is it appropriate for us to mitigate non-effects, effects that have not been concluded through the effects determination process). Would we be able to discuss these issues with you on a conference call early next week, like Tuesday or Wednesday morning, at about 8:00 am (Hawaii), 11:00 am (Pacific), 2:00 pm (Eastern)? I asked FTA if it was ok for us to talk and Ted said that they would join us on the call.

Please let me know when would be a good time for you. Also, Ted, if you could let me know when would be good for you. Looking forward to discussing these issues next week.

Faith Miyamoto  
Department of Transportation Services  
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